

SECTION 3.

MONITORING ELEMENTS, GUIDELINES, AND/OR REQUIREMENTS

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In accordance with Federal and District regulations, the Department of Housing and Community Development (DHCD) is required to monitor the use of funds distributed under this NOFA. Applicants receiving financial assistance from DHCD could be subject to all of the following laws and regulations. Recipients of assistance will be required to maintain sufficient and adequate records to document that the objectives of the applicable regulations have been met, and to allow for monitoring of compliance with the regulations.

Community Development Block Grant

The primary objective of the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) program is the development of viable urban communities for low and moderate income persons. As the recipient of CDBG funds, the Department of Housing and Community Development is charged with ensuring that the CDBG regulations are followed.

Regulations are found at 24 CFR Part 570, and outline eligible activities, national objectives, and administrative requirements (including grant administration and adherence to various Office of Management and Budget Circulars). Applicable OMB Circulars include (1) A-110 "Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations", (2) A-122 "Cost Principles for Non-Profits", and (3) A-133 "Audits of States, and Local Governments, and Non-Profit Organizations.

Any organization, including for-profit organizations, that has expended \$300,000 or more of federal financial assistance (including grants and loans), is required to have an A-133 audit, and submit the audit report to DHCD.

HOME Investment Partnerships Program

The U.S. Department of Housing and Urban Development goals and requirements for the HOME Investment Partnership Program (home) can be found at 24 CFR Part 92. As the recipient, DHCD is required to conduct program and project specific monitoring. For projects, monitoring will begin at the project predevelopment phase and continue through the end of the affordability period. During the monitoring period, projects will be subject to on-site inspections. Specific reporting requirements to DHCD may also be required.

Environmental Reviews

The CDBG regulations require that each project undergo an environmental review in accordance with 24 CFR Part 58. The type of activity (i.e. non-construction, rehabilitation, etc.) and whether the project is historic determines the level of environmental clearance required and the time period for the review.

Affirmative Action Program (Local Small Disadvantaged Business Enterprises)

Mayor's Order 85-85 entitled Compliance with Equal Opportunity Obligations in Contracts sets policies and procedures to be followed by contractors and subcontractors performing under District of Columbia government contracts for goods and services, including construction contracts. The rules establish specific commitments for the employment of minorities and women to achieve affirmative action obligations in District of Columbia contracts.

Applicants will be required to submit an affirmative action plan prior to receiving financial assistance from DHCD. This affirmative action plan is required for construction and non-construction contracts. In addition to DHCD's review, the Office of Local Business Development gives final approval of the plan.

Section 3

Applicants may be required to sign a statement of assurance of compliance with Section 3 (24 CFR Part 135). Section 3 requires that to the greatest extent feasible, opportunities for training, and employment be given to lower income residents of the area of the Section 3 covered project, and contracts for work in connection with the project be awarded to businesses located in or owned in substantial part by person residing in the area of the Section 3 covered project.

First Source Employment Agreements

DHCD will require applicants receiving financial assistance to enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services (DOES). This agreement, in accordance with Mayor's Order 83-265, states that the applicant will use DOES as its first source for recruitment, referral and placement of new hires or employees whose jobs were created by the project receiving financial assistance.

Registration with the DC Apprenticeship Council

Any company that is awarded a single contract, or multiple contracts within a 12-month period, that totals \$500,000 or more is required to register with the D.C. Apprenticeship Council and report the registration number to DHCD.

Davis-Bacon and related Acts

The U.S. Department of Housing and Urban Development requires DHCD to ensure that construction projects receiving in excess of \$2,000 of federal financial assistance comply with the Davis Bacon Act. The Act requires minimum wage rates and fringe benefits (as determined by the Secretary of Labor) for laborers and mechanics employed on the sites for construction, alteration or repair, painting and decoration of public buildings or public works. The Act applies to both prime and subcontractors at all tiers. Contractors and subcontractors will be required to submit weekly payrolls for each week in which any contract work is performed. In addition to monitoring weekly payrolls, DHCD will conduct employee interviews and conduct on-site visits to monitor and assure compliance.

American with Disabilities Act of 1990

The American with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, public accommodation, transportation and telecommunications. Under the ADA, communication barriers must be eliminated that prevent individuals with disabilities from enjoying equal opportunity to participate in and benefit from federal awards.

Under ADA public entities may choose from two design standards for new construction and alteration. They can choose the Uniform Federal Accessibility Standards (UFAs) or the Americans with Disabilities Act Accessibility

Guidelines for Buildings and Facilities (ADAAG). ADAAG is the standard that must be used for privately owned public accommodations and commercial facilities.

Lead Safe Housing Rule (Lead Based Paint)

The U.S. Department of Housing and Urban Development Lead Safe Housing Rule establishes different lead hazard control requirements for rehabilitation depending on the level of federal financial assistance provided to the project and the age of the residential property. The regulation applies only to residential units built before 1978. Risk assessments must be performed if federal financial assistance is greater than \$5,000 per unit. Abatement is required if federal financial assistance is greater than \$25,000 per unit. "Trained workers" are required for all rehabilitation work. DHCD will monitor to ensure that the Lead Safe Housing Rule is adhered to on projects receiving financial assistance.

Section 504 of Rehabilitation Act of 1973, as amended

Section 504 states the requirements for housing units that should be accessible to persons with disabilities. Accessible units must be made available and dispersed throughout the building and sites in projects involving new construction or alterations. Substantial alterations means a project that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility. If the alteration is not substantial, that is, the project is less than 15 units and the cost of the alterations is less than 75% of the replacement cost of the completed facility, then the alterations, to the maximum extent possible, should be made readily accessible to and usable by individuals with disabilities. DHCD will ensure that projects receiving financial assistance comply with Section 504.

Uniform Relocation Act or District of Columbia Relocation Assistance provisions (10DCMR Chapter 22)

Uniform Relocation Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs. DHCD will ensure that the Uniform Relocation Act is complied with for the projects receiving financial assistance.

Freedom of Information Act

The Freedom of Information Act (FOIA) provides for the disclosure of public information. A public record is defined as "any document, book, photographic image, electronic data recording paper, sound recording, or other material regardless of form or characteristic, made or received pursuant to law or in connection with the transaction of public business by any officer or employee of the District". Any information submitted to DHCD not specifically exempt by D.C. Code § 1-1524 (a) of the DC FOIA may be subject to public disclosure upon receipt of a proper request.

Conflict of Interest

Federal and District laws require recipients of funds to comply with conflict of interest regulations found at (24 CFR 570.611 and 24 CFR 84.42 and 85.36). In addition, DHCD requires that within 15 business days of execution of the grant or loan agreement, the recipient shall submit to the Department a copy of the organization's conflict of interest policies and procedures for review and approval by the Department. The procedure shall include the collection and retention of Conflict of Interest declarations to be executed by each employee and board member/officer.

Fair Housing

The Fair Housing Act applies to all housing related transactions. The regulations (as described in 24 CFR Part 14 et al.) are applicable to developers; tenant, homeowners, and condominium associations; management companies; advertisement agencies; and anyone involved in the sale, rental or management of funded housing from discriminating against prospective tenant or owners based on any of the protected categories under the Act.

The Act also stipulates that if a construction project has four or more dwelling units it is subject to the accessibility and adaptability requirements of the Fair Housing Act. Under the new construction requirement of the Act, if the multifamily building has an elevator, all of the dwelling units must meet the Act's design and construction requirements; if there is no elevator, all of the ground floor dwelling units must meet the Act's requirements.

The Act also requires housing providers "to make reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford such person(s) equal opportunity to use and enjoy a dwelling".